

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STARWOOD HOTELS & RESORTS
WORLDWIDE ET AL.,

Plaintiff(s),

-v-

PM HOTEL ASSOCIATES, L.P. AND
PARKER PALM SPRINGS LLP,

Defendant(s).

13-CV-38 (KBF)

ORDER

KATHERINE B. FORREST, District Judge:

Having reviewed the parties' letter submissions dated July 23, 2013, and July 26, 2013, the Court orders as follows:

1. Starwood shall identify the persons most knowledgeable regarding the SPG Program and Occupancy Rates reported in relation thereto for three hotels that Parker selects. Parker shall, if it continues to wish to proceed with "other hotel" discovery, take the depositions of these representatives. Based on information obtained at those depositions, Parker may renew its application for "other hotel" discovery (but even if granted, it would need to be seriously limited – e.g., limited to any communications in X [one-year period] regarding the SPG Program and Occupancy Rates). Such identifications by Parker shall occur not later than August 8, 2013; identification of witnesses by Starwood shall occur not later than August 22, 2013.

Any depositions shall occur not later than September 10, 2013. Any renewed motion shall occur not later than September 16, 2013.

2. The Court does not believe discovery of Starwood's alleged "ulterior motive" – framed as set forth in Parker's letter motion dated July 23, 2013, is relevant. There is far more relevant discovery which should well and truly occupy the parties' time.
3. The Court will not order overbroad discovery as regards Lachmeyer, Bonivento, or Meding. However, Starwood shall produce any documents/communications to/from these individuals relating to Parker's SPG Program that are not otherwise privileged, as well as their personnel folders and performance evaluations. Such production shall occur not later than September 6, 2013.
4. The Court finds that the ADR discovery is relevant under Fed. R. Civ. P. 26. Based on this determination, the parties are directed to meet and confer on a narrow set of ADR documents (not via RFA's).
5. The Court will not require response to the large number of Intent Requests at this time. Depositions should occur first.
6. Parker shall fully respond to Starwood's Interrogatory No. 5.
7. The Court understands the date range issue to be limited to Starwood's access to the Parker reservation system and user files on its data servers. The parties shall confer and determine whether it is possible for Starwood to have access to these servers for the period of

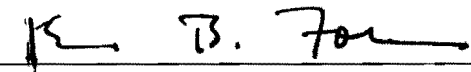
one business day to determine whether they are likely to produce discoverable material for the period following January 27, 2012.

8. At this time, the Court finds that the time allotted for discovery is more than adequate. The trial date shall remain in place and the parties shall prepare accordingly.

9. As the immediate discovery issues are resolved by this Order, the telephonic conference scheduled for August 6, 2013, is adjourned. The parties shall appear for an in-person status conference on September 10, 2013, at 1:00 p.m.

SO ORDERED.

Dated: New York, New York
July 31, 2013

A handwritten signature in black ink, appearing to read 'K. B. Forrest', is written over a horizontal line.

KATHERINE B. FORREST
United States District Judge